

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JEROME CAPLETON,)	
Petitioner)	
)	
v.)	05-CV-30217-MAP
)	
)	
UNITED STATES OF AMERICA,)	
Respondent)	

MEMORANDUM AND ORDER REGARDING APPLICATION FOR
CERTIFICATE OF APPEALABILITY
(Docket No. 31)

October 17, 2008

PONSOR, D.J.

This petition for relief pursuant to 28 U.S.C. § 2255 came before the court for an evidentiary hearing on May 2, 2008, regarding the issue of whether Petitioner's counsel informed him adequately of his right to testify. On July 1, 2008, the court issued its Memorandum and Order denying the petition and ordering entry of judgment for Respondent with regard to all claims. Petitioner has now filed his application for a certificate of appealability.

For the reasons set forth in the court's memorandum of July 1, 2008, no reasonable jurist could disagree with the court's conclusion that the evidence was sufficient to support Petitioner's conviction for conspiracy, that his attorney was Constitutionally effective, and that he was properly informed of, and aware of, his right to testify. As the court's

memorandum indicates, there simply has not been a substantial showing of any denial of a Constitutional right. Petitioner has not raised issues which are debatable among jurists of reason in the sense that some other court could resolve the issues raised by this petition in a manner different than I did on July 1, 2008. Unfortunately for Petitioner, this petition simply does not raise questions which deserve encouragement to proceed further on appeal.

For these reasons, the Motion for Certificate of Appealability (Dkt. No. 31) is hereby DENIED.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge